

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16, 24-43 and 51-68 are pending in the present application. Claims 1-4, 7, 9, 10, 16, 24, 29-43, 51-57, 59 and 60 have been amended and claims 61-68 have been added by the present amendment.

In the outstanding Office Action, the specification was objected to; claims 30-43 and 51-55 were rejected under 35 U.S.C. § 112, second paragraph; claims 1-16, 24-29 and 56-60 were allowed; and claims 30-43 and 51-55 were indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph as set forth in the Office Action.

Applicants thank the Examiner for the indication of allowable subject matter.

Regarding the objection to the specification, the Office Action indicates claims 30-43 and 51-55 recite a computer-readable recording medium. It is respectfully noted this feature is shown in Fig. 3 and is described in the specification as an optical disk 21. Accordingly, it is respectfully requested the objection to the specification be withdrawn.

Regarding the rejection of claims 30-43 and 51-55 under 35 U.S.C. § 112, second paragraph, the appropriate claims have been amended to clarify that the at least one first temporary defect management area with a fixed size and at least one second temporary defect management area with an initial variable size are allocated to the recorded medium. These features are supported at least by Figs. 5-7 and the corresponding description in the specification. Accordingly, it is respectfully requested this rejection be withdrawn.

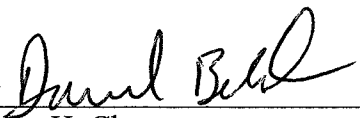
In addition, new claims 61-68 have been added to set forth the invention in a varying scope, and Applicants submit the new claims are supported by the originally filed specification. It is respectfully submitted the new claims 61-68 are allowable for similar reasons as the other claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David Bilodeau, Registration No. 42,325, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 30, 2008

Respectfully submitted,

By   
\_\_\_\_\_  
Esther H. Chong

Registration No.: 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

**David A. Bilodeau**  
**Registration No. 43.325**